

Update: Adoption Proceedings Benchbook

CHAPTER 3

Identifying the Father

3.8 The Paternity Act

B. A Child That the “Court Has Determined to Be a Child Born or Conceived During a Marriage but Not the Issue of That Marriage”

Insert the following text on page 100, immediately after the October 2003 update regarding *Kaiser v Schreiber*, ___ Mich App___ (2003):

On October 30, 2003, the Michigan Supreme Court reversed the Court of Appeals decision in *Kaiser v Schreiber*, ___ Mich App ___ (2003), and reinstated the judgment of the Kent Circuit Court. *Kaiser v Schreiber*, ___ Mich ___ (2003). The Court stated:

“Plaintiff did not have standing under the Child Custody Act, MCL 722.21 *et seq.*, and would not have standing under the Paternity Act, MCL 722.711 *et seq.*, to seek custody of and visitation rights with a child whose mother was married at the time of the child’s conception and birth. MCL 722.26c; MCL 722.711(a); *Girard v Wagenmaker*, 437 Mich 231 (1991). Under the circumstances of this case, summary disposition was properly granted by the Kent Circuit Court to defendant.” *Id.*